

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OTIS HUNTER and DESHAWN  
EVANS,

Defendants.

Case No. 17-CR-29-JPS

**ORDER**

On April 27, 2018, the Court entered judgments against the Defendants in this case. (Docket #178 and #180). Defendants timely noticed their appeals. (Docket #183 and #192). Defendants' appeals include a challenge of the jury selection process, particularly with regard to a *Batson* challenge and related proceedings. (Docket #227 at 1). The Government now seeks to supplement the record with the mid-trial brief that it filed with the Court, via email, regarding the *Batson* challenge. *Id.*

Motions to modify the record pursuant to Federal Rule of Appellate Procedure 10(e) must be presented first to the district court. 7th Cir. R. 10(b). "The district court's ruling on the motion must be included as part of the record, and a notice of the order must be sent to the court of appeals." *Id.* Courts may supplement a record on appeal "when the supplemental material would provide helpful context." *Crockett v. Hulick*, 542 F.3d 1183, 1188 n.3 (7th Cir. 2008); *Coleman v. Hardy*, 628 F.3d 314, 315 n.1 (7th Cir. 2010).

The Government submits that this brief "reflects the Government's contemporaneous explanation for its peremptory strikes during the trial."

(Docket #227 at 2). It had previously been filed via email out of concern for juror privacy. *Id.* at 1. Defendants do not oppose the motion. The Court finds that this brief will provide helpful context regarding the *Batson* challenge on appeal.

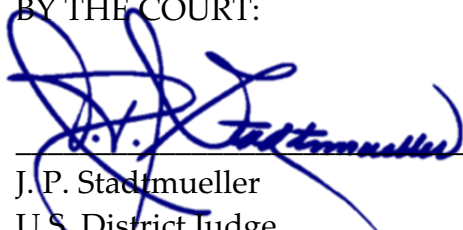
Accordingly,

**IT IS ORDERED** that the Government's unopposed motion to supplement the record on appeal (Docket #227) be and the same is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that the Government's mid-trial brief regarding the *Batson* challenge, which was previously filed with the court via email, (Docket #227-2) be and the same is hereby **ADDED** to the record.

Dated at Milwaukee, Wisconsin, this 7th day of January, 2019.

BY THE COURT:

  
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J. P. Stadtmueller  
U.S. District Judge